

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JULIE WARD,

Plaintiff,

v.

Case Number 09-10788-BC  
Honorable Thomas L. Ludington

CENTRAL MICHIGAN  
COMMUNITY HOSPITAL,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT  
AND DISMISSING ORDER TO SHOW CAUSE**

On March 2, 2009, Plaintiff Julie Ward filed a complaint stemming from her discharge from Defendant Central Michigan Community Hospital. Plaintiff alleges that her employment was terminated on the basis of her gender and for providing testimony adverse to Defendant in civil proceedings. The complaint alleges cause of action for violation of 42 U.S.C. § 1981 and various claims under Michigan law. *See* dkt. # 1.

On April 22, 2009, the Court ordered Plaintiff to show cause why the complaint established federal question jurisdiction because she did not allege facts supporting a prima facie claim pursuant to 42 U.S.C. § 1981. Dkt. # 9. On May 14, 2009, Plaintiff responded, acknowledging that she had not alleged a claim for relief under section 1981. Dkt. # 11. Notwithstanding that fact, Plaintiff requested permission to amend her complaint to allege a claim for gender discrimination pursuant to Title VII of the Civil Rights Act of 1964 codified at 42 U.S.C. §§ 2000e, *et seq.* Dkt. # 12. Defendant does not oppose amendment. *Id.*

A plaintiff may amend the complaint “with the opposing party’s written consent or the court’s leave. Fed. R. Civ. P. 15(a)(2). Here, Plaintiff represents that Defendant concurs in the relief

and amendment cures the jurisdictional defect contained in the complaint. The Court will grant the motion.

Accordingly, it is **ORDERED** that the April 22, 2009 order to show cause [Dkt. # 9] is **DISMISSED**.

It is further **ORDERED** that Plaintiff's motion to amend the complaint [Dkt. # 12] is **GRANTED**. Plaintiff's cause of action for a violation of 42 U.S.C. § 1981 is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: May 18, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 18, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS